

ORDINANCE NO. 2022-43

CINDY MURRAY

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY,  
INDIANA, TO REZONE CERTAIN REAL ESTATE FROM **GB & R3** TO **R3**

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA:**

Section I: The Unified Zoning Ordinance of Tippecanoe County, Indiana being a separate ordinance and part of the Municipal Code of Lafayette, Indiana is hereby amended to rezone the following described real estate situated in Fairfield Township, Tippecanoe County, Indiana, to-wit:

See Attachment Exhibit A

Section II: The above described real estate should be and the same is hereby rezoned  
from GB & R3 to R3.

Section III: This Ordinance shall be in full force and effect from and after its adoption.

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE,  
INDIANA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

ATTEST:

\_\_\_\_\_  
Perry E. Brown, Presiding Officer

\_\_\_\_\_  
Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the \_\_\_\_\_ day  
of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Cindy Murray, City Clerk

This Ordinance approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Attest:

\_\_\_\_\_  
Tony Roswarski, Mayor

\_\_\_\_\_  
Cindy Murray, City Clerk

## Exhibit A

A part of the Northeast Quarter of Section 35, Township 23 North, Range 4 West, Fairfield Township, Tippecanoe County, Indiana, described as follows:

Commencing at the Northwestern corner of the said Northeast Quarter; thence South 89° 20' East along the Northern line of the said Northeast Quarter and the centerline of McCarty Lane for 210.00 feet; thence South 0° 10' West for 36.00 feet to the POINT OF BEGINNING, said point being 1.0 foot Southwardly of the Northeastern corner of Lot 1 in the Treece Commercial Subdivision as recorded in Plat Cabinet C3; thence South 89° 20' East for 119.00 feet; thence South 0° 10' West parallel to and 1.0 foot equidistant from the Western line of a 3.69 acre tract as recorded in Deed Record 79, Page 469 in the Office of the Recorder for Tippecanoe County, Indiana, and the Western line of Burberry Place - Section One as recorded in Plat Cabinet D10 of the Office of the Recorder for Tippecanoe County, Indiana, for 460.00 feet; thence South 89° 20' East for 1.00 foot to the Western line of said Burberry Place - Section One, said point being 1.00 foot Southwardly from the Northwestern corner of Lot 1 in said Burberry Place - Section One; thence South 0° 10' West along the Western line of said Burberry Place - Section One for 326.58 feet; thence North 89° 20' West along the Northern line of a 4.05 acre parcel as recorded in Deed Record 84-1117 for 290.00 feet; thence North 0° 10' East for 473.13 feet to the Southern line of Parcel 35 as acquired by the City of Lafayette (DR91-14844); thence South 89° 57' 24" East along the Southern line of said Parcel 35 to the Southeastern corner of said Parcel 35; thence North 0° 10' East along the Eastern line of said Parcel 35 for 139.50 feet to the Southern line of Treece Commercial I Subdivision as recorded in PC C3 in the Office of Recorder for Tippecanoe County, Indiana; thence South 89° 20' East along the Southern line of said Treece Commercial I Subdivision for 165.00 feet to the Southeastern corner of said Treece Commercial I Subdivision; thence North 0° 10' East along the Eastern line of Treece Commercial I Subdivision for 174.00 feet to the point of beginning, containing 4.531 acres, more or less.





## Area Plan Commission of Tippecanoe County, Indiana

October 20, 2022  
Ref. No.: 2022-231

Lafayette Common Council  
20 North 6<sup>th</sup> Street  
Lafayette, Indiana 47901

### CERTIFICATION

RE: **Z-2866 TIPPECANOE ACQUISITIONS, LLC (GB and R3 to R3):**  
Petitioner is requesting rezoning of 4.531 acres, located on the south side of McCarty Lane and the east side of Creasy, (but not including the car rental business at the corner) in Lafayette, Fairfield 35 (NE) 23-4.

Dear Lafayette Common Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on October 19, 2022, the Area Plan Commission of Tippecanoe County voted 15 yes – 0 no on the motion to rezone the subject real estate from GB and R3 to R3. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Lafayette City Council that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Lafayette City Council at its November 7, 2022 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

David Hittle  
Executive Director

DH/kl

Enclosures: Staff Report & Ordinances

cc: Tippecanoe Acquisitions, LLC  
Matt Washburn c/o Richard K. Treece and Estate of David L. Treece  
Christopher Shelmon & Burke Richeson, Gutwein Law

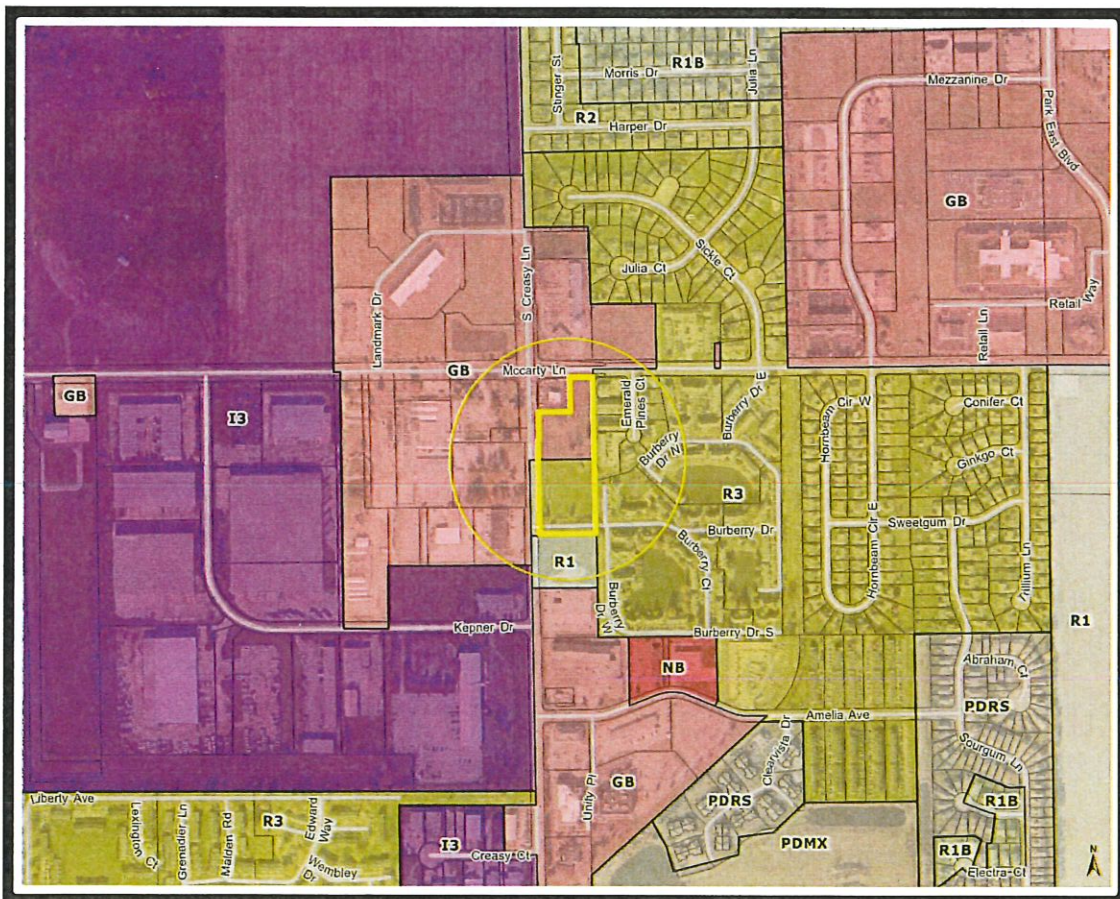


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**Z-2866**  
**TIPPECANOE ACQUISITIONS, LLC**  
**(GB & R3 to R3)**

**STAFF REPORT**  
**October 13, 2022**

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**Z-2866**  
**TIPPECANOE ACQUISITIONS, LLC**  
**GB & R3 to R3**

**Staff Report**  
**13 October 2022**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, represented by attorney Chris Shelmon, is requesting rezoning of 4.531 acres, located on the south side of McCarty Lane and the east side of Creasy Lane, (but not including the car rental business at the corner) in Lafayette, Fairfield 35 (NE) 23-4. If this rezone is successful, the petitioner intends to develop a multi-family subdivision of approximately 50-80 market-rate units.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

The property, like its surroundings, was originally zoned R1 with the inception of zoning in the county in 1965. The site was rezoned to its present zoning as part of a larger rezone of the area in 1972 (Z-528), with the northern portion of the property being rezoned from R1 to GB, and the southern portion being rezoned from R1 to R3. Since this original rezone of the area in 1972, numerous additional rezones have been approved in the area surrounding the petitioner's property. Today, GB zoning is found to the west and north of this property; R3 zoning is found immediately to the east and predominates to the north of the property. To the south there remains a small portion of the area's original R1 zoning.

**AREA LAND USE PATTERNS:**

The property in this request and surrounding area historically had been used for row crop production, but this property has not been agriculturally farmed since at least the early 1990s. Land abutting to the east contains multi-family apartments; single-family residential is found further east. The smaller property on the southeast corner of Creasy and McCarty supports a car rental business. Bennett's Greenhouse is found across Creasy Lane to the west. A gas station and commercial center exist to the north across McCarty.

**TRAFFIC AND TRANSPORTATION:**

The property is located at the southeast corner of McCarty and Creasy Lanes, both classified as urban primary roads, per the adopted *Thoroughfare Plan*. Traffic counts taken in 2021 indicate that on average about 15,000 vehicles travel on this stretch of McCarty Lane and counts taken in 2022 show that about 18,000 vehicles travel daily on this section of Creasy Lane.

The City Engineer's office will decide how this 4.5-acre site will be accessed.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

The site is served by city sanitary sewer and water. A bufferyard would be required where GB zoning abuts R3.

**STAFF COMMENTS:**

Although language in the 1987 *Amendment to The Comprehensive Land Use Plan for Fuji-Isuzu* supports commercial and industrial land use in this area, the remains of the 1972 rezone,

the adjacent rezonings to R3 zoning, and the residential development that has occurred since that time, makes meeting the goals of the plan in this particular area impractical.

It is staff's opinion that past support for residential zoning to help transition between residential development located east of this site and commercial / retail land use to the west is still valid. Staff can support a request for residential development of land in this area as long as it meets one of two criteria: either the project must be located next to existing residential land use at a density and/or design compatible with adjoining property; or the project must be done as a planned development that integrates mixed-use and densities in an overall plan that blends well with its surroundings. Since the site in this request adjoins existing R3 residential zoning and multi-family development to the east, staff can support this request. All that remains is a building design, layout and landscape plan that respects the existing development in the area.

**STAFF RECOMMENDATION:**

Approval